

Pursuant to due call and notice thereof, a special meeting was duly held at the City Hall, 7516 80th Street South, on the 3rd day of September, 1980 at 6:15 o'clock P.M., C.D.T.

The following members were present: Mayor Peterson
Councilman Hammero
Councilman Denzer
Councilman Amundson
Councilwoman Berndt.

And the following were absent: None.

This meeting was called to review the proposed budgets for 1981. The Council reviewed the following budgets:

Streets & Alleys
Streets & Alleys - State Aid
Traffic Signs, Signals & Markings
Public Works - Auto Service
Parks Maintenance
Snow & Ice Removal
Tree Disease
Street Lights

All of the above budgets were reviewed with no changes being made.

The Council then discussed General Government Buildings - Garage and were considering the adding of enough money to insulate the garage building.

The Council recessed at 7:20 P.M.

The Council reconvened at 7:30 P.M. and the regular meeting was called to order.

The minutes of the August 20, 1980 meeting were reviewed. There being no additions or corrections, they were approved as mailed.

The Clerk presented an Affidavit showing publication in the official newspaper of the Notice of Hearing to be held on this date and at this time with respect to the extension of water main, sanitary sewer, storm sewer, street lights, and street improvements on Hadley Avenue South and 77th Street South, which Affidavit was examined, approved and ordered placed on file in the office of the City Clerk.

The Attorney reported that all notices were in order and the hearing was being held in accordance with law.

The Engineer explained the budget and the proposed costs.

The Mayor then opened the hearing for any comments or objections.

Mrs. Lance Peterson appeared before the Council indicating that she really didn't care if the improvement was made but didn't really want it.

Mr. Herb Kapsner appeared asking various questions regarding the improvement.

Mr. Virgil Kapsner appeared questioning the cost of the improvement, when the

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assessments will be placed on the property, and indicated that he was not in favor of the improvement.

There being no further comments or objections, the Mayor closed the hearing.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-142

RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS - HADLEY AVENUE SOUTH/77TH STREET WATER AND SEWER EXTENSIONS

WHEREAS, a resolution of the City Council adopted on the 6th day of August, 1980, fixed the date for a Council hearing on the proposed improvement of 77th Street South from Hadley Avenue South to the West City limits and on Hadley Avenue South from 77th Street South to the North City limits, and

WHEREAS, ten (10) days published notice of the hearing through two (2) weekly publications of the required notice was given and the hearing was held thereon on the 3rd day of September, 1980, at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove County of Washington, State of Minnesota:

1. Such improvement is hereby ordered as proposed in Council Resolution adopted August 6, 1980.

2. Bonestroo, Rosene, Anderlik & Associates, Inc. are hereby designated as the engineers for this improvement, who shall prepare plans and specifications for the making of such improvement.

Passed this 3rd day of September, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Denzer, Councilwoman Berndt, Councilman Hammo, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

The Council reviewed the application of Mr. Charles Jackman for a Minor Subdivision.

Motion that the Council approve the application of Mr. Charles Jackman for a Minor Subdivision subject to the following conditions:

1. The applicant should be made aware, by official City Council resolution, that the road will not be accepted for maintenance by the City until it is blacktopped.
2. A park dedication and recreation facility charge of \$275.00 should be collected prior to the recording of the subdivision.
3. Access from the lot shall be from the privately maintained gravel road and

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not from Lamar Avenue.

4. Percolation tests shall be submitted prior to the recording of the subdivision.
5. The applicant shall have a Certificate of Survey prepared for this specific lot. This certificate must be approved for recording by the City.

and that the City Attorney is hereby directed to prepare the necessary resolution made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

The Council reviewed the application of Mr. Peter Hoeffel for a Minor Subdivision.

Motion that the application of Mr. Peter Hoeffel for a Minor Subdivision be approved subject to approval and filing of the Certificate of Survey by the City, and that the City Attorney is hereby directed to prepare the necessary resolution, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

The Council reviewed the application of Mr. Peter Hoeffel for a Building Permit.

Motion that the application of Mr. Peter Hoeffel for a Building Permit be approved subject to the receipt by the City of a bond or letter of credit to assure that the landscaping is completed within the first growing season, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

The Council reviewed the application of Mr. Thomas Curran for the rezoning of certain property located in Section 21 from R-4 to R-5.

Motion that the application of Mr. Thomas Curran for a rezoning of 8.37 acres from R-4, Residential, to R-5, Multiple Family, be approved and that the City Attorney is hereby directed to prepare the necessary ordinance, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

The Council reviewed the application of Westward Construction Company for a Re-Subdivision of Lots 8, 9, and 10, Block 1 and Lots 8, 9, and 10, Block 2 of Pinehill Acres Second Addition.

Motion that the application of Westward Construction Company for a Subdivision Amendment be denied because the proposal is inconsistent with the proposed Comprehensive Plan, which indicates a 10,000 square foot minimum lot size and that the formation of the smaller lots could lead to the lowering of property values in the area, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

The Council reviewed the application of Westward Construction Company for a variance from Section 28-89 and 28-90 of the Zoning Ordinance.

Motion that the application of Westward Construction Company for a variance on side yard set back, lot size and lot width be denied because the applicant cannot demonstrate a hardship, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

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The Council reviewed the application of Mr. Thomas Larkey for a variance to utilize an undersized lot in the Cottage Grove East Side Addition.

Motion that the application of Mr. Thomas Larkey for a variance to utilize Lot 27, Cottage Grove East Side Addition which is an undersized lot, be approved provided a percolation test is submitted to the City and approved, made by Councilwoman Berndt. Seconded by Councilman Denzer. Carried viva voce.

Motion that license applications from National Amusement, Amusement License; T. C. Artwork, Solicitor's License; Westward Construction, Inc., General Contractor; and Superior Pool Builders, Inc., General Contractor, be approved, made by Councilman Amundson. Seconded by Councilwoman Berndt. Carried viva voce.

Councilman Denzer introduced the following Ordinance and moved for its adoption:

ORDINANCE NO. 340

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE AMENDING
SECTION 2-47 OF THE CITY CODE WITH RESPECT TO TERMS
OF OFFICE OF COMMISSION MEMBERS

The City Council of the City of Cottage Grove, Washington County, Minnesota does ordain as follows:

SECTION 1. AMENDMENT. "Section 2-47 of the City Code of the City of Cottage Grove" shall be amended as follows:

"SECTION 2-47.- Limitation of Term of Office. No commission member shall be re-appointed if he has served for two (2) consecutive terms and the unexpired portion of any term to which such member may be appointed; provided that if this provision causes three or more members of the same commission to not be qualified or if vacancies on the commission cannot be filled, the Council shall have the right to extend any commission member's term for a period of one (1) year, with a maximum of three (3) one-year extensions, and in no event shall a member serve any commission for a period exceeding nine (9) years.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage according to law.

Passed this 3rd day of September, 1980.

The motion for the adoption of the foregoing ordinance was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilman Hammero, Councilman Amundson, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said ordinance was duly declared passed.

The Council reviewed the amendment to the Howard's Subdivision agreement.

Motion that the amendment to the Howard's Subdivision Agreement be approved, and that the Mayor and Clerk are hereby directed to sign said agreement, made by Councilman Amundson. Seconded by Councilman Hammero. Carried 3 ayes, 2 nays.

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Councilman Amundson and Councilman Denzer voting nay.

Motion that the Council accept the resignation of Mr. Ronald J. Uhe, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-143

RESOLUTION ACCEPTING WORK AND AUTHORIZING FINAL PAYMENT
FOR 1980 TELEVISION SEWER INSPECTION PROJECT

WHEREAS, pursuant to a written contract signed with the City of Cottage Grove, Novack Construction Company, Inc. has satisfactorily completed the 1980 Television Sewer Inspection Project in accordance with such contract, and

WHEREAS, the City Engineer has advised the Council that the inspection work has been satisfactorily completed in accordance with the contract plans and specifications and that final payment be made, now

THEREFORE, BE IT RESOLVED, by the Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the work completed under said contract is hereby accepted and approved, and

BE IT FURTHER RESOLVED, that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment of such contract in the amount of \$173.51.

Passed this 3rd day of September, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Denzer, Councilwoman Berndt, Councilman Hamnero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the Council authorize the financial backing of Peoplemaking 1980 at a cost not to exceed \$1,000.00, made by Councilman Amundson. Seconded by Councilman Hamnero. Carried viva voce.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-144

RESOLUTION AMENDING RESOLUTION NO. 80-130, A RESOLUTION
APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT
FOR BIDS - JAMAICA AVENUE STREET IMPROVEMENT

WHEREAS, the City Council on August 6, 1980 adopted Resolution No. 80-130 approving the plans and specifications for the construction of the Jamaica Avenue

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Street Improvement, and

WHEREAS, sealed bids were to be received in the office of the City Clerk on Thursday, September 11, 1980.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 80-130 be amended to read that sealed bids will be received in the office of the City Clerk until 11:00 A.M. Wednesday, October 1, 1980, at which time they will be publicly opened and read aloud. The City Council will meet at a later time for the purpose of awarding the contract for said Jamaica Avenue Street Improvement.

BE IT FURTHER RESOLVED, that the City Clerk shall cause to be published in the Washington County Bulletin, the official newspaper of the City, and in the Construction Bulletin, a notice of bids for the construction of said improvement as required by law.

Passed this 3rd day of September, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilwoman Berndt. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Berndt, Councilman Hammero, Councilman Denzer, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-145

RESOLUTION ORDERING CORRECTION OF DANGEROUS CONDITION

WHEREAS, an automobile sales lot was operated at 6800 Point Douglas Drive, Cottage Grove, Minnesota, legally described as:

"Part of Tract C, Registered Land Survey #79, consisting of that part of the South half of the Southeast quarter of Section 7, Township 27, Range 21, Washington County, Minnesota, lying Northeasterly of the right-of-way of Milwaukee Road, Southwesterly of the right-of-way of U.S. Highway 10 and 61, Northwesterly of the Northerly line of said Registered Land Survey #79," and

WHEREAS, said premises are no longer used for an automobile sales lot and is presently vacant, and

WHEREAS, the building on said site has large panes of glass which are broken and dangerous to persons who would come on the property, and

WHEREAS, the owner has failed to correct the dangerous condition at the request of the City, and

WHEREAS, the broken glass remaining in the windows constitutes a hazard under M.S. 463.15, Subd. 3, and

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WHEREAS, the City is authorized to order the correction of a dangerous condition pursuant to M.S. 463.16 and,

WHEREAS, the present condition of the building requires an order to correct the dangerous condition to protect the health, safety, and welfare of the residents of Cottage Grove and the neighboring property immediately adjacent to said building,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, Washington County, State of Minnesota, the pursuant to M.S. 463.17, Subd. 1, that the persons having an interest in the property described above are directed and ordered to remove all broken glass from said premises and board up the premises to prevent further glass breakage within seven days of the receipt of this resolution, and

BE IT FURTHER RESOLVED, that failure to complete the work as ordered or an answer filed as required by M.S. 463.18, the City attorney shall move for summary enforcement of the order before the District Court of Washington County, Minnesota.

Passed this 3rd day of September, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Denzer, Councilwoman Berndt, Councilman Hammero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the bills as presented be allowed, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

The Council met jointly with the Planning Commission to review the Comprehensive Land Use Plan for the City. No action taken.

Motion that the meeting be adjourned, made by Councilman Denzer. Seconded by Councilman Amundson. Carried viva voce.

The meeting adjourned at 10:08 P.M.

Respectfully submitted,

Carl F. Meissner
Carl F. Meissner
Clerk Administrator

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 12 1980
James Anderson Howe
Secretary of State

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O.D.